

Szelag, Matthew

From: Gildersleeve, Melissa (ECY) <MGIL461@ECY.WA.GOV>
Sent: Wednesday, February 22, 2017 8:51 AM
To: Szelag, Matthew
Cc: Chung, Angela
Subject: RE: WA toxic criteria petition
Attachments: 2017-02-15 WTR Petition for Rulemaking FINAL.PDF

fyi

From: Szelag, Matthew [mailto:Szelag.Matthew@epa.gov]
Sent: Tuesday, February 21, 2017 5:09 PM
To: Gildersleeve, Melissa (ECY)
Cc: Chung, Angela
Subject: RE: WA toxic criteria petition

Hi Melissa,

Thanks, same here. We've seen the press release but haven't been able to track down the actual petition yet. I'll share it with you when we receive it.

Matthew Szelag | Water Quality Standards Coordinator
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From: Gildersleeve, Melissa (ECY) [mailto:MGIL461@ECY.WA.GOV]
Sent: Tuesday, February 21, 2017 4:02 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>
Cc: Chung, Angela <Chung.Angela@epa.gov>
Subject: RE: WA toxic criteria petition

Thanks-- hey did you get an actual copy of the AWB petition? We saw the press release but have not seen the actual petition they sent you---Attaching press release in case it did not make it to AK--

FOR IMMEDIATE RELEASE: February 21, 2017

EMPLOYER GROUPS PETITION EPA TO RECONSIDER WATER RULE

*Despite Commitment to Clean Water, Trade Associations Declare
EPA Rule Technologically and Economically Unattainable*

(OLYMPIA, Washington) – A group of employer trade associations today filed paperwork asking the U.S. Environmental Protection Agency (EPA) to reconsider new water quality standards it has imposed on Washington State and instead approve a more balanced rule developed by the Washington State Department of Ecology.

The petition submitted today argues that EPA unjustifiably usurped the state of Washington's authority to set water quality standards when it rejected the standard developed and proposed by the state agency.

The employer groups also argue that in developing its rule, EPA made decisions that were arbitrary and capricious, were changed without notice during the process, ignored both stakeholder input and readily available statistical data, and did not sufficiently analyze potential compliance costs and other economic impacts.

As a result, EPA's water standards cannot be met with existing or foreseeable technologies and may seriously endanger family-wage jobs at facilities across the state, the group says.

"We are all committed to clean water," said Todd Mielke, CEO of Greater Spokane Incorporated, one of the parties to today's action. "Cleaner water results from standards that are achievable; when standards are based on scientific reality rather than aspirational desires; when standards utilize affordable technology; and when they reflect all stakeholders' input. The existing EPA rule fails on all these grounds."

In addition to Greater Spokane Incorporated, other petitioners include the Association of Washington Business; Northwest Pulp & Paper Association; American Forest & Paper Association; Treated Wood Council; Western Wood Preservers Institute; Washington State Farm Bureau; and the Utility Water Act Group.

Chris McCabe, executive director of the Northwest Pulp & Paper Association, said that his group and other industry associations have tried to work with both state and federal regulators to develop these standards for more than four years.

"From day one, our goal has been to promote balanced water quality standards that will enhance our already strong environmental and human health protections, while being technically, scientifically and economically attainable," McCabe said. "We were involved at every step of the process, sharing reams of data and scientific analysis in hopes of the regulators striking this balance."

"We were extremely disappointed when EPA's rule ignored our efforts at constructive engagement and failed to incorporate any input from the regulated community. We believe that regulatory reconsideration is warranted and that the state's own rule offers a more realistic and feasible approach to water quality."

Donna Harman, president and CEO of the American Forest & Paper Association, said that, if allowed to stand, the EPA rule would put severe pressure on companies to invest in costly technologies without any confidence that those investments will result in compliance with the new standard or even any measurable improvement in water quality. "The EPA rule represents costly and ineffective regulatory overreach – plain and simple. It sets up a system for failure and permitting uncertainty that will detract from everyone's efforts to improve environmental and health outcomes for Washington residents," she said.

The petitioners noted that National Pollutant Discharge Elimination System (NPDES) permits for both existing and new facilities could be rejected if they fail to demonstrate an ability to comply with the EPA's new standards. This could put facility operations in jeopardy and dampen employers' ability to create new jobs, as well as to retain existing ones. "This is an issue that touches every person in every community in Washington state," said Kris Johnson, President and CEO of the Association of Washington Business. "In addition to the impact on local employers and the potential loss of family-wage jobs, local government costs for wastewater treatment will increase significantly without any clear evidence that higher bills for ratepayers will produce commensurate benefits for them."

The City of Bellingham, for instance, has estimated that monthly wastewater treatment bills for its citizens could jump from \$35 to \$200 to cover its costs of compliance with the new rule.

"Agriculture is the backbone of our state economy and water is the backbone of agriculture, so no one cares more about water quality than our members," said Washington Farm Bureau CEO John Stuhlmiller. "But we need water quality standards that are economically feasible and will actually produce results. This petition and a return to the Department of Ecology's challenging but achievable standards will deliver something that can work for the state."

“We look forward to working with the state Department of Ecology to replace the EPA’s unworkable and counterproductive rule and implement the more balanced approach they had developed. Working together will better serve all the citizens of the state,” Stuhlmiller concluded.

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From: Szelag, Matthew [<mailto:Szelag.Matthew@epa.gov>]
Sent: Tuesday, February 21, 2017 4:21 PM
To: Gildersleeve, Melissa (ECY) <MGIL461@ECY.WA.GOV>; Niemi, Cheryl (ECY) <cnie461@ECY.WA.GOV>; Brown, Chad (ECY) <CHBR461@ECY.WA.GOV>
Cc: Chung, Angela <Chung.Angela@epa.gov>; Guzzo, Lindsay <Guzzo.Lindsay@epa.gov>
Subject: WA toxic criteria petition

FYI – We received this today from NWEA.

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